

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA )  
 )  
v. ) No.: 3:15-CR-92  
 ) 3:07-CR-83  
LARRY DARNELL SANKEY, II )

## **ORDER**

Pending before the Court is the Report and Recommendation (“R&R”) [Case No. 3:15-cr-92, Doc. 34; Case No. 3:07-cr-83, Doc. 39] filed by United States Magistrate Judge H. Bruce Guyton as to the defendant’s “Judicial Notice” [Case No. 3:15-cr-92, Doc. 32; Case No. 3:07-cr-83, Doc. 37] and “Affidavit and Notice of Default” [Case No. 3:15-cr-92, Doc. 33; Case No. 3:07-cr-83, Doc. 38], which has been docketed as a supplement to the Judicial Notice in each of the above-referenced cases. To the extent that these pleadings could be construed as motions to dismiss, Magistrate Judge Guyton finds that they are both procedurally deficient and substantively meritless. Thus, Magistrate Judge Guyton has recommended that these *pro se* filings be denied. No objections to the R&R have been filed and the time for doing so has passed. *See* Fed. R. Crim. P. 59(b)(2).

The Court notes that, subsequent to the entry of Magistrate Judge Guyton’s report and recommendation, the defendant filed two *pro se* documents entitled “Affidavit of Truth” [Case No. 3:15-cr-92, Doc. 35] and a “Notice of Special Restricted Appearance ‘De  
Been Esse’ in the Matter of Indictment 3:15-cr-92” [Case No. 3:15-cr-92, Doc. 36].<sup>1</sup> The

<sup>1</sup>The “Affidavit of Truth” references an individual purporting to act on the defendant’s behalf, but who is not a licensed attorney. The defendant has been previously advised that he cannot be

Court does not interpret either of these documents as motions or as objections to the R&R.

Having carefully reviewed the R&R as well as the underlying pleadings, the Court agrees with Judge Guytons's recommendation. Accordingly, the Report and Recommendation [Case No. 3:15-cr-92, Doc. 34; Case No. 3:07-cr-83, Doc. 39] is **ACCEPTED IN WHOLE** and the defendant's motions to dismiss [Case No. 3:15-cr-92, Docs. 32, 33; Case No. 3:07-cr-83, Docs. 37, 38] are **DENIED**. The Clerk of Court is **DIRECTED** to file this order in both of the defendant's cases and to mail a copy of it to the defendant at the address he has provided.

IT IS SO ORDERED.

s/ Thomas W. Phillips  
SENIOR UNITED STATES DISTRICT JUDGE

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represented by an unlicensed individual in these cases [*see* Case No. 3:15-cr-92, Doc. 31 at p.3, n.2].